

KTXN-FM
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THE ALTERNATIVE

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PETITION TO INTERVENE AND FURTHER COMMENTS ON

MM DOCKET 98-55

RM-9255

Before the Federal Communications Commission

1. COMES NOW COSMOPOLITAN ENTERPRISES OF VICTORIA, INC., licensee of radio station KTXN-FM, channel 254C1, Victoria, Texas, who are operators of a radio station on adjacent channel to that which is proposed by proponent Redding Broadcasting Co.

2. Cosmopolitan will show that it will be irreparably damaged by the action of Redding for several reasons. Firstly Redding has carried on a cavalier attitude about any relationship with Cosmopolitan and has attempted to go behind the back of it in means to keep full knowledge of its intentions from this licensee for purposes of getting a dominant position on the air. Among these ill tried charges at the commission is attempting the approach of coming off a reply comment with a new comment and thus avoiding being indexed in the Federal Register as a case that Cosmopolitan's attorney and staff would not catch to defend themselves. Additionally, the non notification of Cosmopolitan of intention of getting into its territory with a transmitter site which would forever preclude KTXN from getting a super C status.

3. The petition is in reality a re-hash of an already much debated and counter debated, having begun the 1980's (DOCKET MM 88-375) and then MM Docket 90-466). This proceeding has been the subject

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of numerous petitions and counter petitions, which ultimately was terminated with the Commission ruling that the proposed channel switches for Hondo and Bandera, Texas, now operating on adjacent channels to the present Pleasanton station, are short spaced to Mexican stations. There is no change since the time of the termination of the docket in any of the parties standing in this matter. Thus the matter is settled and with it plethora of counter and counter petitions more than enough rights of all parties have been settled and satisfied. Further, Cosmopolitan feels that the allocation for Hollywood Park should be re-examined if Redding wants to act like dragging up the matter again.

4. Petitioner Cosmopolitan has not been notified of any of these newly presented proceedings and the quickie period of concern. Cosmopolitan is the licensee of a station that is local marketing agreement worked with Withers Broadcasting Company of Texas, licensee of KAVU (TV) channel 25, licensee of KVCT channel 19, licensee of KNAL, and low power licensee of channel 27 and 59 all Victoria. It is well known that the television stations are about to embark on a major building project -- which involves a 1000 foot tower height for channel 25. KTXN has been a part of this project -- or a 1000 foot tower of its own for a number of years. This tower when used will give KTXN a C classification and this has been the reason for the back door approach of Redding -- to conspire to keep KTXN off the tall tower so it could operate with a C2 station -- not for Pleasanton, but rather for the much over radio populated San Antonio, which move Cosmopolitan opposes. There would be no no new

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territory gained if KBUC got the channel C2, while if the tall tower was allowed to become a part of the Victoria media, over ten FM and more than three TV stations could increase their coverage areas to new area-- in some cases almost doubling their areas of coverage... This project is in the works now and further as a result of the MM Docket 98-93, requiring stations to up-grade, KTXN could not up grade to the next class if it was forced to co-exist with the interlooper KBUC on an adjacent channel. This development has happened since the docket of KBUC was re-presented to the Commission.

5. Mexico allocations have not changed as a part of the Commission's data base thus no change here means that the substitute channels for both Bandera and Hondo still will be short spaced as was ruled before. If KBUC proposes the deletion of these stations under its scheme to get up to San Antonio, Cosmopolitan will be the first to say "Let us keep our local radio stations" and no to this alternative.

6. KTXN serves notice that it will not co-operate with Redding in its scheme to deprive the people of Pleasanton of their only radio station. Thus KTXN will not sign any agreement with Redding for any negotiated interference should MM Docket 98-93, which Cosmopolitan has submitted its comments of opposition, be granted. Lets let Hell freeze over first.

7. Cosmopolitan/ KTXN feels that 6 kilowatts is sufficient to serve Atascosa County and Pleasanton -- not become another San Antonio station that Redding's principal is known for doing.

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8. KTXN feels that the procedure followed by Redding in the past should have exhausted all remedies in this matter and the application of a channel 253C2 station as proposed by Redding should be denied. Further, the proposed tower in Victoria would bring the ten or more Victoria FM station signals to well over 350,000 new listeners per station should be weighed as a determining factor.

9. Victoria is a metropolitan area that is located some 75 miles from the nearest metro area and does not have an antenna farm which is proposed.

10. Because of the post docket inception of MM Docket 98-93, which would make the climb to a super C status -- the only one in the market to San Antonio's ten or more, and the foreclosure of any future C status for KTXN, and the cavalier method of going around the rules and taking over ten years of the Commission's time in this rulemaking already decided against KBUC as a C2. These all should in the estimation of Cosmopolitan and KTXN lead to the denial of the already decided docket.

11. KTXN feels that this is a modification of its license in an ex parte manner and it should stop. Let Pleasanton have its class A station -- San Antonio has enough stations already -- even before the low power FM might put more stations on the air, as well as the matter of Digital radio that is still undecided. These are mutually exclusive and KTXN feels that there must be time for all be considered, but not a down grading to a lesser status. In short, KTXN says deny KBUC.

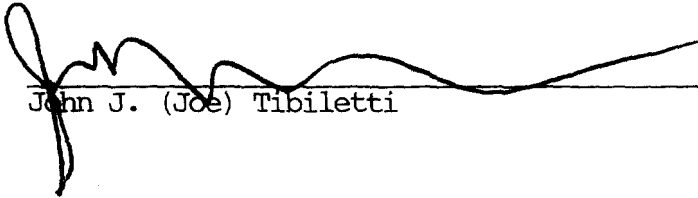
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SUBMITTED BY
COSMOPOLITAN ENTERPRISES OF VICTORIA, INC., Licensee of Radio Station KTXN-FM
and John J. (Joe) Tibiletti, its President, and individually.


John J. (Joe) Tibiletti